



15750 U.S. PTO

Mail Stop: Patent Application
 Commissioner of Patents
 United States Patent and Trademark Office
 Alexandria, VA 22313-1450

15535 U.S. PTO
10/786175

Re: U.S. Utility Patent Application

Application No.: (Not yet assigned); Filed **02-24-2004**
 Title: **"Reconfigurable Optical Add-Drop Multiplexers Employing Optical Multiplex Section Shared Protection"**
 Inventor: **Mark J. Soulliere**
 Docket No.: **AVA-P040**

Sir:

The following documents are forwarded herewith for action by the U.S. Patent and Trademark Office:


1. U.S. UTILITY APPLICATION entitled: **"Reconfigurable Optical Add-Drop Multiplexers Employing Optical Multiplex Section Shared Protection"** having named inventor: **Mark J. Soulliere**
 - a. a specification consisting:
 - (i) 30 pages prior to the claims, including title page;
 - (ii) 10 pages of claims;
 - (iii) 1 page abstract;
 - b. 15 sheets of **informal** drawings: (FIGs. 1-15);
2. An **original, executed** Combined Declaration and Power of Attorney by named inventors;
3. Form PTO-1082 (in duplicate);
4. Cover letter for Assignment (Form PTO-1595)
5. An original, executed Assignment to **AVANEX CORPORATION**, executed by named inventor, recordation of which is hereby requested;
6. Request and Certification Form PTO/SB/35 (11-00);
7. A return post card;
8. An Information Disclosure Statement (Form PTO-1449A and Form PTO-1449B);
9. A copy of References cited in Information Disclosure: 7 document(s); and
10. A Credit Card Authorization Form (PTO-2038) in the amount of \$896 to cover:

| | |
|--------------------------------|-----------|
| Patent application filing fee: | \$ 770.00 |
| Assignment Recordation fee: | \$ 40.00 |
| Excess claims fee: | \$ 86.00 |

It is respectfully requested that the attached postcard be stamped with the filing date of the above documents and unofficial application number and returned to the addressee as soon as possible.


Respectfully submitted,

February 24, 2004
 Date


 PETER C. SU, ESQ.
 Reg. No. 43,939

LAW OFFICES OF PETER C. SU
 INTELLECTUAL PROPERTY ATTORNEY
 5201 GREAT AMERICA PARKWAY, SUITE 320
 SANTA CLARA, CA 95054

Tel: 408-850-7150
 Fax: 408-850-7151
 Email: psu@sullp.com

| | |
|--|---|
| Certificate of Mailing By "U.S. Express Mail" Under 37 C.F.R. 1.10(c) | |
| "EXPRESS MAIL" Mailing Label Number: <u>ER 074261745 US</u> | Date of Deposit: <u>2-24-2004</u> |
| I hereby certify that this paper and/or fee is being deposited with the United States Postal Service | |
| "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner For Patents, Washington, DC 20231. | |
| Name: <u>Peter Su</u> |  Signature |
| <u>2-24-2004</u> | |
| Signature Date | |

Docket No.: **AVA-P040**

APPLICATION TRANSMITTAL LETTER

Mail Stop: Patent Application

Commissioner of Patents
 United States Patent and Trademark Office
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventors: **Mark J. Soulliere**

Entitled: **"Reconfigurable Optical Add-Drop Multiplexers Employing Optical Multiplex Section Shared Protection"**

41 No. pages of specification, including title page, claims and abstract

15 No. sheets of X informal, formal drawings

Also enclosed are:

- ☒ Executed Combined Declaration and Power of Attorney for Patent Application
- ☒ An Original Executed Assignment of the Application
- ☒ Form PTO-1595 (Recordation Cover Sheet for Assignment)
- ☒ Request and Certification Form PTO/SB/35 (11-00)
- ☒ An Information Disclosure Statement (Form PTO-1449A and Form PTO-1449B)
- ☒ A copy of References cited in Information Disclosure: 7 document(s)

FEES DUE

 Applicant Claims Small Entity Status (37 CFR 1.27)

The fees due for filing the application pursuant to 37 C.F.R. 1.16 and for recording the Assignment, if any, are determined as follow:

| CLAIMS | | | | | |
|---|---------------|------------|--------------|------------------|-----------------|
| | No. of Claims | | Extra Claims | Rate | Fees |
| Basic Application Fee (\$770 large entity; \$385 small entity) | | | | | \$ 770.00 |
| Total Claims | 18 | Minus 20 = | 0 | X \$18 = | 0 |
| | | | | X \$ 9 (small) = | 0 |
| Total Independent Claims | 4 | Minus 3 = | 1 | X \$86 = | 86.00 |
| | | | | X \$43 (small) = | |
| If Multiple Dependent Claims are presented, add \$290.00 or \$145.00(small) | | | | | |
| If Assignment enclosed, add Assignment Recording Fee \$40.00 | | | | | 40.00 |
| TOTAL APPLICATION FEE DUE | | | | | \$896.00 |

PAYMENT OF FEES

The full fee due in connection with this communication is

\$ 896.00

and is provided as follows:

- ☐ The Commissioner is hereby authorized to charge the fees associated with this communication or credit any overpayment to **Deposit Account No:** _____. A duplicate copy of this authorization is enclosed.
- ☐ Check Nos. _____ for the above-specified full fee is enclosed. However, in case Applicant inadvertently miscalculated any required fee, the Commissioner is hereby authorized to charge the necessary additional amount associated with this communication or credit any overpayment to **Deposit Account No:** _____. A duplicate copy of this authorization is enclosed.
- ☒ A Credit Card Authorization Form (PTO-2038) for the above-specified full fee is enclosed. However, in case Applicant inadvertently miscalculated any required fee, the Commissioner is hereby authorized to charge the necessary additional amount associated with this communication or credit any overpayment to **Deposit Account No: 50-2967**. A duplicate copy of this authorization is enclosed.

NO 18 MONTHS PUBLICATION

REQUEST AND CERTIFICATION UNDER 35. U.S.C. 122(b) (2) (B) (i)

- ☒ I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen month after filing. **I hereby request that the attached application not to be publish under 35 U.S.C. 122(b).**

This application is filed pursuant to 37 C.F.R. 1.53 in the name of the above-identified Inventor(s).

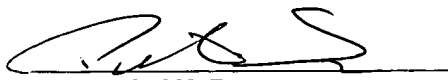
Please direct all correspondence concerning the above-identified application to the following address:

LAW OFFICES OF PETER C. SU
INTELLECTUAL PROPERTY ATTORNEY
5201 GREAT AMERICA PARKWAY, SUITE 320
SANTA CLARA, CA 95054



Tel: 408-850-7150
Fax: 408-850-7151
Email: psu@sullp.com

Respectfully submitted,


PETER C. SU, ESQ.
Reg. No. 43,939

February 24, 2004
Date

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|--|----------------------|---|-------------------|
| REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | | Mark J. Soulliere |
| | Title | "Reconfigurable Optical Add-Drop Multiplexers Employing Optical Multiplex Section Shared Protection" | |
| | Atty Docket Number | | AVA-P040 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 24, 2004
Date


Signature

PETER C. SU, ESQ. Reg. No. 43,939

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.